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LETTER DATED 21 JANUARY 1994 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached report addressed to me on 20 January 1994 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and the latest developments in the search for peace in Bosnia and Herzegovina.

(Signed) Boutros BOUTROS-GHALI

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Annex

Report of the Co-Chairmen of the Steering Committee on the activities of the International Conference on the Former Yugoslavia

INTRODUCTION

1. On 29 December 1993, the Security Council received a report of the Co-Chairmen giving an account of developments in the search for peace in Bosnia and Herzegovina following meetings held in Geneva on 21 December and in Brussels on 22 and 23 December (S/26922).

I. CONTINUING CONTACTS

2. Since the submission of that report, the Co-Chairmen maintained contacts with the parties to the conflict and with the Governments of neighbouring countries. The Co-Chairmen travelled to Vienna on 4 and 5 January 1994 for consultations with Prime Minister H. Silajdzic of Bosnia and Herzegovina and Foreign Minister M. Granic of the Republic of Croatia. While in Vienna, the Co-Chairmen had talks with Austrian Foreign Minister A. Mock. On 5 January, the Co-Chairmen went to Belgrade for discussions with President S. Milosevic and with Bosnian Serb leaders. On 6 January, the Co-Chairmen visited Budapest for discussions with Hungarian Foreign Minister G. Jeszenszky. The same day, the Co-Chairmen went to Bonn for consultations with German Foreign Minister K. Kinkel. On 7 January, the Co-Chairmen had consultations in Paris with French Foreign Minister A. Juppe. On 9 and 10 January, the Co-Chairmen had discussions in Bonn with Presidents A. Izetbegovic and F. Tudjman. On 16 January, the Co-Chairmen had meetings in Athens with Mr. K. Papoulias, the incoming President of the European Union Council of Ministers.

II. PEACE TALKS, 18 AND 19 JANUARY 1994

3. On 18 and 19 January 1994, resumed peace talks were held in Geneva with the attendance of Presidents Bulatovic, Izetbegovic, Milosevic and Tudjman, as well as Mr. Karadzic and Mr. Akmadzic.

4. It will be recalled that it had been hoped to conclude an overall settlement based on the HMS Invincible package, with each of the three peoples having their own majority republic within an overall union but with the additional features suggested in the European Union action plan whereby, in particular, the Muslim-majority Republic would have a minimum of 33.3 per cent of the territory of Bosnia and Herzegovina; as had emerged in discussion, the Croat-majority Republic would have 17.5 per cent; the Muslim-majority Republic would have, as has been suggested by President Tudjman, a tract of land on the peninsula of Peljesac instead of on the Isthmus of Klek and this would have a port and tourist facilities; and all sides would continue to commit themselves to upholding international norms of human rights, including the right of refugees and displaced persons to return to their homes.

5. During the round of talks on 18 and 19 January, a map proposed by the Bosnian Serbs was on the table offering the Muslim-majority Republic 33.56 per cent (see appendix I). The Republic of Croatia stated its willingness to sign linked agreements providing the Muslim-majority Republic with 99-year leases for use of a port at Ploce, a port on the Neretva River at Celevo, from which seagoing cargo boats or tourist passenger boats could link up with their facilities in Ploce or the existing small port on the Peljesac peninsula.

6. Detailed provisions committing all parties to international human rights conventions and making available specialized human rights machinery of the Council of Europe were maintained.

7. The Bosnian Serbs and the Bosnian Croats declared their willingness to pursue discussions to settle, as between them, the delimitation of territory so as to assure the Bosnian Croats 17.5 per cent of territory. President Izetbegovic, however, while not rejecting the figure of 17.5 per cent, entered a reservation that this must not be to the detriment of the Muslim-majority Republic.

8. President Izetbegovic acknowledged that the Muslim-majority Republic was being offered 33.56 per cent. He submitted, however, that the map should be altered so as to include in the territory allocated to the Muslim-majority Republic certain areas in eastern and western Bosnia where the Muslims had been in the majority before the outbreak of the conflict, as well as certain areas in central Bosnia, while keeping within the target of 33.3 per cent.

9. The Co-Chairmen had painstaking discussions with the three sides in order to help them to overcome the remaining hurdles to a peace agreement. However, President Izetbegovic maintained his decision on territory. The Bosnian Serbs said they had made concession after concession in order to achieve peace, most recently reverting to their former position of accepting international administration for Sarajevo, and they could go no further. The Bosnian Croats insisted that the areas sought by President Izetbegovic in central Bosnia were vital for the Croat-majority Republic.

10. The Co-Chairmen felt that it was imperative that all concerned found a way to overcome this remaining hurdle over the allocation of territory. Accordingly, they consulted the parties concerning an arbitration procedure for breaking the impasse. After those consultations, the Co-Chairmen submitted to the parties a procedure (see appendix II), whereby the disputed territory could be referred to an arbitration commission and its recommendations come to the Security Council after a peace agreement has been implemented and forces withdrawn to the provisional boundaries on the map in appendix I.

11. The Bosnian Serbs and the Bosnian Croats were willing to accept these procedures. The Bosnian Muslims rejected them because, President Izetbegovic stated, too many areas of importance to the Muslim-majority Republic would be left unresolved and they were unwilling to have Serb or Croat forces remaining in the disputed territories that they consider should be in their Republic. The Bosnian Serbs said that, in the light of the Bosnian Muslim's rejection of the proposed arbitration commission, they would, in any future negotiations, be unwilling to remain within a Union of three republics, but that they would hope

to be able to continue to accept United Nations administration for Sarajevo district. They felt that the Serb-majority Republic would henceforth have to be considered as independent from the Muslim-majority Republic.

12. Faced with the danger of renewed and intensified conflict and aware of the deep concern of the United Nations High Commissioner for Refugees, Mrs. S. Ogata, the Co-Chairmen felt that they had to find a way to keep the parties engaged in the peace process and to meet again in the near future. Accordingly, they proposed that the parties establish hot lines, that they exchange representatives in one another's headquarters in Sarajevo, Mostar and Pale and that the Bosnian parties should meet again in Geneva on 10 February 1994 to consider the effectiveness of these arrangements and other practical confidence-building measures to reduce the level of fighting. All agreed to meet, but President Izetbegovic said he would need to consult his military on the idea of exchanging representatives. All three sides did, however, agree to return to Geneva on 10 February to examine the results of the efforts of the working group.

13. The Co-Chairmen view this further failure to finalize and agree on a peace settlement with considerable concern. There can be no escaping the reality that the three warring parties are now at risk of increased fighting and that more territorial issues could be settled on the battlefield than at the negotiating table. This is taking place at a time when their people are suffering immense hardship in the middle of winter, despite the best efforts of the Office of the United Nations High Commissioner for Refugees, the United Nations Protection Force and other agencies. While the fighting continues, very probably at an increased intensity, many people will lack the basic essentials for life: food, warmth and shelter.

Appendix I

Proposal for Bosnian Muslim Majority Republic comprising over one third of territory of Bosnia and Herzegovina

Area 1	4.2%
Area 2	65.4%
Area 3	24.6%
Area 4	1.4%
Area 5	1.3%
Sarajevo District	3.1%

Total for Muslim Majority Republic, including Sarajevo District on a 1-1 basis. = 33.5%

(Figures verified at the request of ICFY by Centar SA computer services Geneva 8-1-94)

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Appendix II

Article 1

(a) The provisional boundaries of the constituent republics shall be as set out in annex A, part 1. The Muslim-majority Republic shall be provided with a minimum of 33.33 per cent of territory and the Bosnian Serb Party has undertaken to ensure that the Croat-majority Republic has 17.5 per cent. The Bosnian Muslim Party, while not rejecting the figure of 17.5 per cent, has a reservation that it must not be to the detriment of the Muslim-majority Republic. Except as provided in (b) and (c), the boundaries of the Republics may be changed only by the procedure provided for amending this Constitutional Agreement.

(b) Marginal changes in the boundaries set out in annex A may be made by agreement between the Parties on the recommendation of a Boundary Commission, which shall receive evidence from those specifically affected by them. The Commission shall consist of five persons appointed by the Secretary-General of the United Nations, of whom three shall be persons recommended the representatives of the three constituent peoples.

(c) Substantial changes in the boundaries involving the following disputed territories - Bosanska Krupa, Bosanski Novi, Brcko, Bugojno, Busovaca, Donji Vakuf, Gornji Vakuf, Kiseljak, Kresevo, Novi Travnik, Sanski Most, Ustikolina, Visegrad, Vitez, Zvornik - and an exchange of territory of high population density with a predominantly serb population in the District of Sarajevo for areas of lower population density in eastern Bosnia, in particular Zepa and Srebrenica, which might alter the 33.33 per cent allocation to the Muslim-majority Republic, can be agreed under the procedures specified in paragraph 1 (b), but, in the event no agreement is reached, any difference can be referred to an Arbitration Commission appointed by the President of the International Court of Justice after consultation with the parties. The recommendations of the Commission shall be addressed, in the first instance, to the parties, and only if there is disagreement be referred to the Security Council.

(d) There shall be no border controls on boundaries between the constituent republics, and there shall be free movement of persons, goods and services throughout the territory of the Union of Republics of Bosnia and Herzegovina.